IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

CRIMINAL APPEAL No.160 of 2007
(Old No.1360 of 1985)

Mr. S. Kandhari, Principal, Wlhams Boys School,
5, Circular Road, Dehradun

... Appellant

Versus

1. Patel Balwant Rai, S/o Patel R. Shanker Bhai,
   32, Curzen Road, P.S. Dalanwala, Dehradun
2. State of U.P.

.....Respondents

Dated: September 21, 2007

HON. DHARAM VEER, J.

This appeal, preferred u/s 341 of The Code of Criminal Procedure, 1973 (*hereinafter to be referred as Cr.P.C.*) against the judgment and order dated 07.05.1985 passed by Additional District Judge, Dehradun in Misc. Case No. 32 of 1984, Sri Patel B. Rai Vs. S. Kandhari, Principal, Welham Boys School and another, under Section 340 Cr.P.C. allowing the application of the respondent no.1 to file a complaint against the appellant under Section 193 and 471 of IPC.

Learned Chief Judicial Magistrate, Dehradun has mentioned in his report dated 29.08.2007 that appellant – S. Kandhari died on 27.01.2004 and respondent no.1-Patel Balwant Rai is not residing at the given address, as a result of which the notices could not be served upon respondent no.1.

In view of the fact that appellant S. Kandhari had died on 27.01.2004, the appeal preferred by appellant S. Kandhari stands abated.

(Dharam Veer, J.)

21.09.2007
RBS